



WEB COPY

CRP Nos. 2235 & 2284 of 2
and CMP Nos.9714 & 9895 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP Nos. 2235 & 2284 of 2026

AND

CMP Nos. 9714 & 9895 of 2026

Dakshnamurthy
S/o.Pichamuthu,
Ulakudaiyampattu Village, Sankarapuram Taluk,
Kallakurichi District.

..Petitioner(s)

Vs

1. Ealumalai
S/o.Pichamuthu,
Ulakudaiyampattu Village,
Sankarapuram Taluk,
Kallakurichi District.

Pichamuthu (Died)
2. Danapal
S/o.Pichamuttu,
Ulakudaiyampattu Village, Sankarapuram
Taluk,
Kallakurichi District.
3. Alakammal
W/o. Raman
Ulakudaiyampattu Village,
Sankarapuram Taluk,
Kallakurichi District.

..Respondent(s)



COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order and decretal order passed in I.A. No. 364 & 365 of 2025 in OS No. 163 of 2009 dated 06.02.2025 on the file of the District Munsif Court, Sankarapuram.

In both CRPs :

For Petitioner(s): Mr.V.Gunasekar

COMMON ORDER

Challenging the impugned order passed in I.A. No. 364 & 365 of 2025 in OS No. 163 of 2009 dated 06.02.2025 on the file of the District Munsif Court, Sankarapuram, the third defendant has come forward with this revision.

2. The learned counsel for the revision petitioner submits that against him and others, the plaintiff has filed a suit for partition. He came to know that on 11.12.2023 there was a *ex parte* order passed. Since he is a driver of Tata Ace van, he was not able to follow the proceedings. Due to lack of communication, he was not able to file written statement on time and there is a delay of 292 days. But the court below failed to condone the delay and erroneously dismissed the application. As on date, a preliminary decree was passed and IA is pending for passing of final decree. At this stage, the third defendant has presented this application.

3. Admittedly, in a partition suit, all the co-sharers are necessary party. The third defendant is one of the brother of other co-sharers he is having right to contest the matter. One more opportunity to the third defendant is just and



necessary in order to prove his claim over the property otherwise it will lead to multiplicity of proceedings. Therefore, this court is inclined to give one more opportunity and the order passed by the trial judge is set aside. He is directed to pay a sum of Rs.2,000/- before the trial court within three weeks from the date of receipt of a copy of this order. Since the suit was filed in the year 2009 and others also remained *ex parte*, therefore, in order to give one more opportunity. as he is also having a share in the property, the findings of the trial court is set aside. The trial court is directed to proceed with the matter. The revision petitioner shall contest the case in OS No.163 of 2009 and deposit the cost and on such deposit, the *ex parte* decree passed is ordered to be set aside and directed to pay a cost within three weeks from the date of receipt of a copy of this order to the respondents or to the court.

4. Accordingly, these Civil Revision Petitions are allowed. The impugned order dated 06.02.2025 passed in I.A. No. 364 & 365 of 2025 in OS No. 163 of 2009 on the file of the District Munsif Court, Sankarapuram, are set aside. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

20-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL



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To

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1. The District Munsif Court, Sankarapuram.



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T.V.THAMILSELVI J.

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